

Listing of Claims:

1. (Currently Amended) An apparatus for forming an artificial valve to treat gastroesophageal reflux disease comprising:

5 a first endoscope that has an observation system and that is
adapted to be orally inserted into a body cavity;

DI a holding device extending out of a distal end of the first endoscope, the holding device comprising a distal end portion and
adapted to hold a point of a digestive wall of the body cavity where the artificial valve is to be formed, and an elongated
10 portion that passes through a first channel provided in the first endoscope;

a first needle that is moveable ~~in a longitudinal direction of relative to~~ the first endoscope ~~and that includes a sharp end adapted to penetrate~~ for penetrating the digestive wall, wherein
15 said first needle ~~being adapted to be~~ is positioned at an oral side of the holding device before piercing the digestive wall;

a suture adapted to pass through the digestive wall following the first needle; and

20 a suture retaining device having a grasping section adapted to grasp the suture after the suture has passed through the digestive wall.

2. (Previously Presented) The apparatus according to claim 1, wherein the suture retaining device is adapted to pull the suture out from the body cavity, and wherein the apparatus further comprises:

5 a knot pushing device adapted to move a knot of the suture, which is formed outside the body cavity after the suture has been pulled out from the body cavity by the suture retaining device, into the body cavity.

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cont.*

3. (Currently Amended) The apparatus according to claim 1, wherein the distal end portion of the holding device includes two jaws moveable between an opened position and a closed position.

4. (Currently Amended) The apparatus according to claim 1, wherein the first needle has a hollow space disposed therein for engaging the suture.

Claim 5 (Canceled).

6. (Previously Presented) The apparatus according to claim 1, further comprising:

a second needle positioned side by side and spaced apart by a certain distance from the first needle.

7. (Withdrawn-Currently Amended) The apparatus according to claim 6, further comprising a second endoscope wherein the first needle and the second needle are disposed on an outer periphery of the ~~first~~ second endoscope.

8. (Previously Presented) The apparatus according to claim 1, further comprising:
a guide member having a through hole provided side by side with the holding device;
5 wherein the suture retaining device is moveable in the through hole of the guide member.

9. (Previously Presented) The apparatus according to claim 1, wherein the suture retaining device includes two jaws moveable between an opened position and a closed position.

10. (Previously Presented) The apparatus according to claim 1, further comprising a second endoscope, wherein the first needle extends from a distal end of the second endoscope.

11. (Previously Presented) The apparatus according to claim 1, wherein the first needle is moveable in a position nearer to a handle section of the first endoscope than the distal end of the first endoscope is.

12. (Previously Presented) The apparatus according to claim 1, wherein the holding device is adapted to holding a junction of a stomach and an esophagus, and the first needle is adapted to be positioned in the oral side of the junction.

Claims 13-19 (cancelled).

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20. (Previously Presented) The apparatus according to claim 6, further comprising a second endoscope, wherein the first needle and the second needle extend out of a distal end of the second endoscope.

21. (New) The apparatus according to claim 1, further comprising a sheath provided outside the first endoscope, wherein the first needle extends from a distal end of the sheath.

22. (New) The apparatus according to claim 1, wherein the first endoscope comprises:

an elongated insertion section;

a handle section; and

an opening through which the first needle extends provided at a position on a handle side of the distal end of the first endoscope.

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cont.

23. (New) The apparatus according to claim 22, wherein an optical system is provided at each of the distal end and a portion near the opening of the first endoscope.
